



CONFEDERATED TRIBES  
of the

*Umatilla Indian Reservation*

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MAR 22 2000

March 15, 2000

Federal Caucus Comment Record  
c/o BPA-PL  
707 W. Main Street, Suite 500  
Spokane, WA 99201

Re: All H Paper

Dear Mr. or Ms.:

On behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), we offer the following comments on the All H Paper and associated materials. As you may be aware, the CTUIR is currently engaged in ongoing discussions with various federal agency representatives regarding the All H Paper. These discussions are scheduled to occur over a number of weeks; at a minimum, they will continue well past the March 17, 2000, deadline you have suggested for public comment. Furthermore, we note that the notice of the March 17 deadline was posted on the Federal Caucus website on March 10, 2000, a mere week before the close of the public comment period.

Given the above factors, this letter will be brief. The CTUIR specifically reserves the right to amend and supplement our comments and concerns about the All H Paper and related documents in the future. The outcome of our projected meetings with federal officials remains unclear and uncertain, although we are hopeful of substantial progress. We are continuing to examine and evaluate the All H Paper and supporting materials, concurrent with our discussions. The CTUIR may have more lengthy and detailed comments, on the All H Paper as well as the draft Lower Snake River Juvenile Salmon Migration Feasibility Study and Environmental Impact Statement, at a later date. At this time, however, this letter will serve to identify those materials that have already been developed and circulated, by the CTUIR, the Columbia River Inter-Tribal Fish Commission (CRITFC) on our behalf, and others, that should be considered by you as comments on the All H Paper, and are hereby incorporated by reference.

The Biological Assessment on Tribal Harvest contains detailed recommendations on measures to benefit salmon for each "H." CRITFC submitted comments on the Supplemental Biological Opinion on the Federal Columbia River Power System, which should be included. Detailed comments on lower Columbia River channel deepening were also developed and submitted by CRITFC, and should be referred to. Dr. Gretchen Oosterhout has developed a critique entitled

"Seven Questions about the Cumulative Risk Initiative" that we would commend to your attention; it raises many serious issues about "scientific" processes employed by the National Marine Fisheries Service in formulating the All H approach.

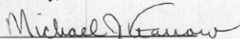
As we have stated elsewhere, *the ultimate requirement for the All H Paper should be the protection and enhancement of salmon populations and salmon habitat so as to lead to sustainable, harvestable salmon populations consistent with tribal Treaty Rights and the federal government's obligation to fulfill its trust responsibility toward tribal rights and tribal trust resources.* The goal should not be merely de-listing of currently listed species. This principle should apply to all conservation planning processes.

1 The All H Paper must give proper regard not only to the Treaty of 1855, the federal government's trust  
2 responsibility and its mandates under the ESA, but also to the June 5, 1997, Secretarial Order on  
"American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species  
Act," the federal Clean Water Act and federal reserved water rights of Indian tribes.

3 Actions and activities throughout the region, by individuals, businesses and governments, have  
profoundly impacted salmon populations and their habitat, to the detriment of tribal rights and  
interests. These rights and interests are based on aboriginal rights and were subsequently secured and  
guaranteed by our ancestors in the Treaty of 1855 with the United States.<sup>1</sup> Salmon, other fish, and the  
right to take them at "all usual and accustomed stations" remain vitally important to the CTUIR and its  
members. We have lived in harmony with salmon, and all the resources of the Pacific Northwest, for  
thousands of years. But salmon are now disappearing because of non-Indian actions and activities,  
which have drastically changed and degraded our world and all its elements, contrary to the intent of  
our ancestors who signed the Treaty of 1855 to preserve and maintain our way of life. The Treaty of  
1855 is a matter of mutual honor between the tribes and the United States. The tribes and the United  
States have shed blood over these lands. Therefore, the tribes seek to restore the fishery and the lands  
we now share as citizens of the United States.

The CTUIR hopes that the All H process will help alleviate this unfortunate situation. As stated above,  
we plan to provide you with additional input on the All H Paper, including a detailed river operations  
plan for the near-term. For now, we thank you for your consideration of our comments here. If you  
have any questions or wish to discuss any of these matters further, please feel free to call us. You may  
also contact Rick George or Carl Merkle with our Department of Natural Resources at (541) 276-3449.

Sincerely,



Michael J. Farrow, Director, Department of Natural Resources  
Confederated Tribes of the Umatilla Indian Reservation

MJF: DNR: cfm

<sup>1</sup> Treaty with the Walla Walla, Cayuse, and Umatilla, June 9, 1855, 12 Stat. 945, reprinted in 2 C. Kappler, Indian Affairs: Laws and Treaties 694 (1904).